

FPRB Reference. 20/339

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Land To The East Of Luthrie Bank Farm Luthrie Fife
- Application for review by Ms Claire Alexander against the decision by an appointed officer of Fife Council
- Application 20/00063/FULL for Full Planning Permission for Erection of dwellinghouse, formation of access and hardstanding
- Application Drawings:
04 - Site Plan, 05 - Fence Details, 06 - Low Carbon Sustainability Checklist, 07 - Low Carbon Sustainability Checklist, 08 - Supporting Statement, 01 - Location Plan/Block Plan, 02 - Proposed various - elevation, floor etc, 03 - Photographs,
- No Site Inspection took place.

Date of Decision Notice: 14th December, 2020.

Decision

The FPRB upholds the determination reviewed by them and refuses Planning Permission for the reasons outlined below in section 4.0.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for Planning Permission was considered by the FPRB at its meeting on 30 November 2020. The Review Body was attended by Councillors David Barratt (Convener), Alice McGarry, Ross Paterson, Rosemary Liewald and Mino Manekshaw.

2.0 Proposal

- 2.1 The application site is around 0.1 hectare in area and is situated on the northern boundary of Luthrie. The site is just outside the settlement boundary as defined by the Adopted FIFEplan (2017). The site is an area of unused land with trees and a former hen house building within it. The site is enclosed by a post and wire fence. To the north of the site is an agricultural field, while to the west is a road with Luthriebank House and steading beyond. An informal access is taken from the site to this road. To the south are the gardens associated with a neighbouring residential property and to the east is further countryside. Part of the site has a designation of a semi-natural woodland in terms of the SNH Woodland Inventory and the site is within the Tay Coast Local Landscape Area.

2.2 The proposal includes the removal of the existing building on site and construction of a single storey dwellinghouse roughly with the same footprint as the existing building. Access would be taken from the road to the west via a blocked paved driveway. A septic tank and surface water soakaway are proposed as the drainage for the site.

3.0 Reasoning

3.1 The determining issues in this review were the principle of development in the countryside and road safety. The FPRB considered the terms of the Development Plan which comprises the Approved TAYplan (2017) ("Strategic Development Plan") and the Adopted FIFEplan (Fife Local Development Plan 2017 ("Adopted Local Development Plan"). The FPRB also considered the provisions of Making Fife's Places Supplementary Guidance (SG) (2018) (including appendices) and SPP (2014).

3.2 The FPRB firstly considered whether the proposal was acceptable in principle. They assessed the proposal against FIFEplan Policies 1, 7 and 8 and concluded that the proposal did not meet any of the criteria within these policies. The proposal would be for a dwellinghouse outwith the settlement boundary and the FPRB did not consider that any evidence had been submitted with the Review to indicate the proposal was in compliance with policies 7 and 8 in terms of residential development in the countryside. The FPRB assessed whether the proposal would have any environmental benefit from converting the site to a residential use. The FPRB considered that this could have some environmental benefit and potentially create a stronger entrance to the settlement however they did not consider this sufficient to outweigh the Development Plan in this instance. The FPRB thereby concluded that this development was not acceptable in principle.

3.3 The FPRB considered the potential road safety issues in terms of constructing a formal access onto the unrestricted road. The FPRB noted that Transportation Development Management objected to the proposal and they noted the terms of objection particularly around the concern on the ability to provide a suitable visibility splay at the entrance to the site. The FPRB also noted that the applicant indicated that they could provide the visibility splay as they owned the land either side of the site. The FPRB considered that, in principle, this could allow for an appropriate visibility splay to be provided however they did not have the information as to whether this was physically possible in terms of potential vegetation and tree loss and need to remove any physical barriers such as walls and embankments. The FPRB concluded that without this information the proposal was unacceptable in terms of road safety as it could not be confirmed that a suitable access could be created from the site onto the public road. The FPRB concluded the proposal was contrary to Policies 1 and 3 of the Adopted FIFEplan (2017) on this basis.

3.4 The FPRB also assessed the development in terms of impact on residential amenity and natural heritage and found the development would have no significant detrimental impact in this regard. The FPRB also concluded that the development would have no significant impact on the Local Landscape Area. While the FPRB considered that the development would have no impact on these matters, they did not consider that this raised sufficient material weight to outweigh the Development Plan position. The FPRB also did not consider that there were any other material considerations which would outweigh the Development Plan position or the road safety concerns raised.

4.0 Decision

4.1 The FPRB thereby uphold the decision reviewed by them but vary the reasons for refusal and instead refuse Planning Permission for the reasons below:

1. In the interests of safeguarding against unrestricted expansion of the existing settlement, preventing ad-hoc development in the countryside that could result in the gradual erosion of the rural landscape character and qualities, and protecting the strategy of the Adopted FIFEplan (2017), because of its location on the edge of the settlement boundary of Luthrie, the proposed development is deemed contrary to Policies 1, 7 and 8 of the Adopted FIFEplan 2017.
2. In the interests of road safety, because the required visibility splay is severely restricted and cannot be achieved to the detriment of the safety and convenience of all road users, the proposed development is deemed contrary to Policy 3 of the Adopted FIFEplan 2017.

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Proper Officer

NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

*Notification to be sent to applicant on refusal of planning permission or
on the grant of permission subject to conditions*

NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

*Notification to be sent to applicant on determination by the planning authority of an
application following a review conducted under section 43A(8).*

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.